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PATENT

REMARKS

Applicant respectfully requests reconsideration of the application.

The objections to the drawings are addressed in amendments to the specification.

Claim 2 is rejected as being indefinite based on whether "each instance" refers to a session of embedding in a content signal or across different sessions.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,801,999 to Venkatesan et al. ("Venkatesan").

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,700,989 by Itoh et al. ("Itoh")

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh in view of U.S. Patent Publication 20010009581 by Hashimoto ("Hashimoto") and U.S. Patent Publication 20020090109 by Wendt ("Wendt").

Claim 9 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Venketesan in view of Hashimoto and Wendt.

Claim 1 is amended to re-direct the claim to an alternative aspect of the invention. This amended version of claim 1 and new claims

Regarding claim 1, neither Venketesan nor Itoh teach the use of the forensic digital watermark as recited in amended claim 1. In particular, they do not teach: "embedding the forensic digital watermark signal at the selected orientation in the content signal; wherein the embedding applies a different orientation at least across content titles to the digital forensic watermark; and wherein the forensic digital watermark identifies a receiver to enable use of the forensic digital watermark to track the content signal to the receiver, different receivers have different forensic digital watermarks, and the orientation is selected so that the orientation varies for different receivers."

Claim 1 is clarified in that the different orientation applies at least to different content titles processed by the method. This terminology leaves open the possibility that the forensic digital watermark is embedded with the same orientation a particular content title processed by the method of claim 1.

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Claims 2-8 are patentable over Venketesan and Itoh for the same reasons as claim 1. In addition, they include a novel combination of elements not taught in the cited art. In particular, the cited art does not teach an orientation that specifies random frequency bands.

Claim 9 is patentable over the cited combination because none of the cited references teach all of the elements of base claim 1. In particular, the primary references, Itoh and Venketesan, do not teach all of the elements of claim 1, and none of the secondary references teach the elements of claim 1 missing from the primary references. Wendt makes a general reference to adding watermarks as long as they do not interfere, but fails to specifically teach how to do this in response to detecting a watermark that is already present and does not teach: "embedding the forensic digital watermark at an orientation that does not interfere with the digital watermark" in the novel combination of elements in claim 9.

The new claims add variants of claim 1. Each recites that the orientation of embedding a forensic digital watermark varies across receivers, in combination with different elements. The cited art fail to disclose or teach all of the elements of these new claims.

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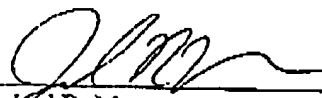
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Respectfully submitted,

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